

## Message Text

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ACTION EA-12

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C O N F I D E N T I A L SECTION 1 OF 2 JAKARTA 10383

E.O. 11652: GDS  
TAGS: SHUM, ID  
SUBJECT: HUMAN RIGHTS IMPROVEMENTS

REF: STATE 180953

1. SUMMARY: WHILE MAJOR CHANGES IN THE INDONESIAN LEGAL SYSTEM AND GOVERNMENT POLICIES WILL PROBABLY OCCUR ONLY GRADUALLY, FURTHER IMPROVEMENTS IN THE HUMAN RIGHTS FIELD ARE EXPECTED IN THE NEXT FEW YEARS AND THE LONG TERM TREND APPEARS FAVORABLE. THE THUS FAR SUCCESSFUL RELEASES OF INDIVIDUALS DETAINED BECAUSE OF INVOLVEMENT IN THE 1965 COMMUNIST COUP ATTEMPT HAVE GIVEN THE INDONESIAN GOVERNMENT AND PUBLIC GREATER CONFIDENCE AND SHOULD BE COMPLETED BY THE END OF 1979. THERE ARE INDICATIONS THAT MORE LIBERAL POLICIES WILL BE FOLLOWED WITH RESPECT TO ARRESTS AND DETENTIONS IN THE FUTURE. THE INDONESIAN LEGAL SYSTEM IS UNDERGOING A GENERAL REVIEW WHICH COULD LEAD TO SIGNIFICANT IF GRADUAL REFORM, AND EFFORTS ARE BEING EXPANDED TO INCREASE THE ACCESS OF THE POOR AND UNEDUCATED TO LEGAL ASSISTANCE. THE GOI IS GIVING INCREASING EMPHASIS IN DEVELOPMENT PROGRAMS TO IMPROVING THE LIVING STANDARDS OF THE POOREST LEVELS OF SOCIETY IN BOTH RURAL AND URBAN AREAS. THE SUCCESS OF THESE PROGRAMS, WHICH WILL REQUIRE CONTINUED FOREIGN ASSISTANCE, ALONG WITH IMPROVED EDUCATION LEVELS, SHOULD CONTRIBUTE TO A GRADUAL

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EROSION OF AUTHORITARIAN TRADITION AND OF FEARS OF COMMUNAL DISORDERS. END SUMMARY.

2. THE RELEASE OF ALL THOSE PERSONS DETAINED WITHOUT TRIAL ON CHARGES OF INVOLVEMENT IN THE ABORTIVE PKI COUP ATTEMPT OF 1965 WILL, WE BELIEVE, PROCEED ON SCHEDULE SINCE EXPERIENCE TO DATE HAS CALMED FEARS WITHIN THE GOVERN-

MENT AND THE GENERAL PUBLIC OF RENEWED COMMUNIST SUBVERSION. WHILE THE RELEASES WERE UNDOUBTEDLY INITIATED AS A RESULT OF FOREIGN PRESSURES, THEY NOW APPEAR TO AMOUNT TO A GOVERNMENT PROGRAM WITH A MOMENTUM OF ITS OWN. IT IS, OF COURSE, POSSIBLE THAT THIS MOMENTUM COULD BE SLOWED BY CERTAIN OBSTACLES. THE UNREPENTANT ATTITUDE OF A SMALL CORE OF LEFTISTS AMONG THE REMAINING DETAINEES, FOR EXAMPLE, ALARMS SOME INDONESIANS; AND THEIR POSSIBLE REFUSAL TO RENOUNCE UNDER OATH, AS REQUIRED, UNACCEPTABLE POLITICAL ACTIVITIES COULD, THEREFORE, BLUNT THE PLANNED FULL RELEASE OF ALL CATEGORY B DETAINEES IN THE NEXT TWO YEARS. MANY DETAINEES HAVE YET TO FIND EMPLOYMENT IN INDONESIA'S OVERCROWDED JOB MARKET AND DEPEND ON FAMILY OR FRIENDS TO SURVIVE; IN THEIR FRUSTRATION THEY MIGHT INSTIGATE SOME ANTI-GOVERNMENT ACTIVITIES THAT WOULD ALARM THE SECURITY AUTHORITIES. FINALLY, SHOULD EXTERNAL PRESSURE FOR THE RELEASES APPEAR IN INDONESIAN EYES TO HAVE GROWN UNDULY STRONG--PARTICULARLY SINCE THERE IS STILL LITTLE DOMESTIC PRESSURE FOR THE CONTINUATION--AND TO INDICATE INSUFFICIENT APPRECIATION ABROAD OF STEPS TAKEN TO DATE, A COUNTER-REACTION FROM INDONESIAN AUTHORITIES IS POSSIBLE. THE CURRENT TREND, HOWEVER, SUGGESTS THAT THESE AND OTHER OBSTACLES CAN BE SURMOUNTED. THE RELAXED ATTITUDE TO DATE OF THE SECURITY AUTHORITIES ABOUT THE RELEASEES HAS, IN FACT, BEEN A PLEASANT SURPRISE GIVEN THEIR TENDENCY JUST A FEW YEARS AGO TO SEE COMMUNIST GHOSTS EVERYWHERE. CONFIDENTIAL

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3. THE PRACTICE OF DETENTION WITHOUT TRIAL STEMS IN GREAT PART FROM FEARS OF FUTURE OUTBREAKS OF COMMUNAL DISORDER WHICH HAVE HISTORICALLY TROUBLED THIS COUNTRY. THE SUCCESSFUL RELEASE OF THE 1965 DETAINEES WILL IN ITSELF NOT REMOVE THIS FEAR. WE BELIEVE THAT, IN SPITE OF THE COMPLAINTS OF STUDENTS, INTELLECTUALS AND DISSIDENTS, THE ANTI-SUBVERSION LAW, WHICH AUTHORIZES PRETRIAL DETENTION FOR UP TO ONE YEAR, AND THE COMMAND FOR THE RESTORATION OF SECURITY AND ORDER (KOPKAMTIB), WHICH IS THE PRINCIPAL EXECUTOR OF THIS LAW, WILL BE MAINTAINED FOR THE NEXT FIVE YEARS. WHILE THE DEGREE TO WHICH THIS LAW IS INVOKED WILL DEPEND IN PART ON HOW OFTEN DISSATISFIED GROUPS RESORT TO "ACTION IN THE STREETS", WE DETECT GROWING SENSITIVITY ON THE PART OF SECURITY AUTHORITIES TO CRITICISM OF THIS WEAPON AND CONSEQUENTLY INCREASED RELUCTANCE TO EMPLOY IT. THE GOI HAS MOVED MUCH MORE QUICKLY TO PROCESS CASES OF PERSONS ARRESTED IN RECENT MONTHS ON CHARGES OF SUBVERSION AND TERRORIST ACTION AND WE EXPECT THIS TREND TO CONTINUE.

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C O N F I D E N T I A L SECTION 2 OF 2 JAKARTA 10383

4. PROSPECTS FOR ELIMINATION OF THE PRACTICES OF POLITICAL DETENTION ALSO DEPEND UPON REFORM IN THE OVERALL LEGAL SYSTEM. AS NOTED IN THE HUMAN RIGHTS COUNTRY EVALUATION PLAN FOR INDONESIA, LAWS WHICH PERMIT LONG DETENTION WITHOUT TRIAL AND WHICH RESTRICT FREEDOM OF SPEECH, OF THE PRESS, AND OF MOVEMENT WITHIN THE COUNTRY ARE DEEPLY INGRAINED IN BOTH THE PRE-COLONIAL AND COLONIAL TRADITIONS OF INDONESIA. COURT PROCEDURES HAVE AS YET HAD LITTLE IMPACT ON THE KEY PROBLEM OF PRE-TRIAL DETENTION. AS MENTIONED ABOVE, HOWEVER, DECISIONS ON RELEASE OR TRIAL ARE BEING MADE MORE RAPIDLY THAN BEFORE, AND ARE BEING IMPLEMENTED WITH LESS DELAY. THE HERETOFORE FOREIGN CONCEPT OF "DUE PROCESS" THUS APPEARS TO BE SLOWLY GAINING IN OFFICIAL ACCEPTANCE. A GENERAL REVIEW OF THE INDONESIAN LEGAL SYSTEM HAS BEEN UNDERWAY FOR THE LAST COUPLE OF YEARS UNDER THE AUSPICES OF THE DEPARTMENT OF JUSTICE. PROGRESS IN MODERNIZING THE LEGAL CODES WHICH ARE A COMPLEX AND OFTEN CONFLICTING MIX OF TRADITIONAL DUTCH AND OTHER LAW, WILL BE VERY SLOW AND GRADUAL, BUT A GENERAL LIBERALIZING TREND IS NOTICEABLE.

5. THE LEGAL SYSTEM AND PROCESS IN INDONESIA HAVE NOT ALWAYS BEEN ACCESSIBLE TO THOSE WHO ARE IN THE GREATEST NEED OF LEGAL ASSISTANCE. THE INSTITUTE OF LEGAL AID AND THE UNIVERSITY OF INDONESIA FACULTY OF LAW, HOWEVER, HAVE BEEN ENGAGED IN SPECIFIC ACTIVITIES WHICH HAVE A DIRECT  
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IMPACT ON EXPANDING THE CAPACITY OF THE LEGAL SYSTEM TO REACH AND RESPOND TO THE POOREST ELEMENTS OF THE SOCIETY.

THESE ACTIVITIES, WHICH WERE HERETOFORE CENTERED IN JAKARTA, ARE NOW BEING EXPANDED TO THE PROVINCES. USAID HAS ALREADY PROVIDED LIMITED ASSISTANCE TO DEVELOP THE LAW FACULTY THROUGH ITS PARTICIPANT TRAINING PROGRAM, AND PLANS TO EXPAND THIS ASSISTANCE TO COVER ADDITIONAL PROJECTS IN THE FIELDS OF LEGAL EDUCATION AND LEGAL AID TO THE NEEDY.

6. THE MOST PERVASIVE HUMAN RIGHTS PROBLEM IN INDONESIA IS POVERTY, WITH MILLIONS OF PEOPLE LIVING AT THE MARGIN OF SUBSISTENCE WITH POOR HEALTH CARE, INADEQUATE DIET, HIGH INFANT MORTALITY, SUBSTANDARD HOUSING, POOR SCHOOLS, AND UNDEREMPLOYMENT. THROUGH THE HEAVY EMPHASIS BEING GIVEN BY THE GOI TO ECONOMIC AND SOCIAL DEVELOPMENT, THE BENEFITS OF ECONOMIC GROWTH - MORE VISIBLY AND FULLY ENJOYED BY A SMALL SEGMENT OF THE URBAN POPULATION - HAVE BEGUN TO REACH THE MAJORITY OF THE POPULATION. IF THE CURRENT SEVEN PERCENT ANNUAL ECONOMIC GROWTH RATE CAN BE MAINTAINED AS OIL REVENUES LEVEL OFF, THE STANDARD OF LIVING OF THE RURAL AND URBAN POOR SHOULD CONTINUE TO IMPROVE. THIS WILL REQUIRE A LARGER DOMESTIC EFFORT AS WELL AS INCREASED FOREIGN ASSISTANCE. A FLEDGLING SOCIAL SECURITY PROGRAM HAS BEEN DESIGNED BY THE GOI, BUT A LACK OF FUNDS WILL REDUCE ITS IMPACT FOR THE NEXT SEVERAL YEARS.

7. INDONESIAN EFFORTS TO REDUCE INCOME DISPARITIES THROUGH A VARIETY OF DEVELOPMENT PROGRAMS ARE GREATER THAN GENERALLY REALIZED. A FEW HAVE MET WITH ENCOURAGING SUCCESS, OTHER HAVE FALLEN SHORT OF THEIR GOALS, OFTEN FOR LACK OF SUFFICIENT TRAINED MANPOWER, BUT ALL HAVE ADDED VALUABLE KNOWLEDGE AND EXPERIENCE TO WHAT IS A DIFFICULT LEARNING PROCESS. THE EARLY GUIDANCE OF  
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REPELITA III, THE NEXT FIVE-YEAR DEVELOPMENT PLAN, IS SKEWED IN THE DIRECTION OF IMPROVING THE DISTRIBUTION OF INCOME AND EXPANDING LABOR-INTENSIVE EMPLOYMENT ACTIVITIES. THE GOI CAN USE CONTINUED FOREIGN SUPPORT IN THIS AREA. IT IS IMPORTANT, NONETHELESS, THAT THE FOCUS ON THE INCOME GAP ISSUE NOT DISTRACT ATTENTION FROM MOVING AHEAD WITH THE IMPORTANT INFRASTRUCTURE DEVELOPMENT OF INDONESIA WHICH CONTRIBUTES NOT ONLY TO THE EXPORT MARKET CAPABILITY, BUT ALSO TO THE INTERNAL ONE OF MEETING EVER-GROWING FOOD PRODUCTION AND DISTRIBUTION NEEDS.

8. IMPROVING EDUCATIONAL STANDARDS, ESPECIALLY IN HIGHER EDUCATION, SHOULD PRODUCE MORE ARTICULATION OF PUBLIC AND POLITICAL ISSUES AND MORE PRESSURE ON THE GOVERNMENT TO BE RESPONSIVE. AND IN THE LONG RUN, SUCCESSFUL ECONOMIC DEVELOPMENT PROGRAMS CAN BE EXPECTED TO INCREASE THE INDIVIDUAL'S PERCEIVED STAKE IN SOCIETY, DECREASE POLITICAL TENSIONS

CAUSED BY WIDESPREAD POVERTY, AND GRADUALLY WEAKEN  
THE AUTHORITARIAN TRADITIONS OF THE INDONESIAN SOCIETY  
AND GOVERNMENT. THE FAILURE OF THE CURRENT DEVELOPMENT  
EFFORTS, ON THE OTHER HAND, COULD LEAD TO A RETURN TO  
THE RADICAL FORMULAS OF THE PREVIOUS INDONESIAN REGIME  
AND TO THE REPRESSIVE MEASURES WHICH ACCOMPANIED THEM.  
GARDNER

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